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To: Damon Doumlele <Damon_Doumlele@nps.gov>

05/28/2010 07:42 PM

cc

Subject: FACA comment

Damon,
Attached is a comment for FACA members and the FACA web site.
Thanks,
Frank



BCNP ATV Volunteer Program FACACComment.doc

Comment to Big Cypress National Preserve's (BCNP) ORV FACA committee and members and FACA web site.

Date 5 -28 - 2010

Re: Trail monitoring volunteer program

While NPS's intent to implement this program was announced 4 to 6 months ago not much mention of it has taken place since then, until NPS's recent press release.

Considering the state of our National economy it is surprising that a program with such capital outlay (\$cost of 10 ORVs of some type - if ATV's \$60,000 if UTV's about \$100,000), secondary maintenance costs and record keeping costs would be authorized at this time especially since no need has been demonstrated for the program. In fact repeated statements from one of the most prolific ORV critics (Matthew Schwartz of Broward Sierra Club) have been that from his surveillance of the BCNP he is pleased that ORV visitors are staying on the designated routes and complimented ORV visitors for that at FACA meetings. A statement such as that from this particular gentleman demonstrates little if any need for such a program.

On the other hand though some environmental groups with an anti-ORV agenda have claimed loudly that NPS does not have the manpower to enforce the designated trail system specified by the ORV plan of 2000.

So now as a result of the loud squawking of a vocal minority and to avoid possible lawsuits NPS's response is to bend like a Cypress sapling in the winds of turmoil and institute this expensive plan on the cheap with non-professionals to put all ORV visitors under surveillance of volunteers looking to ride ATV's for free through the BCNP. Free for them but "we the people" get to pay for their free ride.

Three things will converge very soon 1st mandatory use of designated trails ONLY in Turner River Unit (TRU) in BCNP, 2nd NPS's volunteer monitor program and 3rd the stark realization

of the first 2 by the community most impacted – the Gladesmen cultural community. The 1st pill will be very challenging to adapt to without the 2nd pill of being confronted by the (salt in the wound) volunteer monitor squads when traversing the terrain of BCNP which is challenging enough on its own. One might question why all ORV users aren't ready for the TRU change and that they should have already adapted. The reason for them maybe not adapting yet is that many may have assumed over the last 10 years since the ORV Plan ROD was signed that the current situation was “the plan” not realizing that there was more restrictions to come (e.g. designated trail use only).

My belief is that, at least 2 incorrect assumptions leading to the adoption of the volunteer program have been made by NPS and possibly by the FACA committee if they supported this idea initially. Wrong assumption “A” was that any volunteer program is needed to manage ORV use in BCNP evolved from wrong assumption B. I am not saying that this would never be necessary but that the necessity for it has not been demonstrated to date. Wrong assumption “B” was that ORV visitors are not rule or law-abiding visitors.

Having been deeply involved in these issues for many years I am still unaware of any study of the impacts of the ORV plan or this volunteer program as mandated by Federal law, on the Gladesmen community members many of which are ORV visitors here. There is no excuse whatsoever at this point in time for that not to have occurred.

Assisting in a study of ORV use during the peak of hunting season a couple of years ago we were shocked that all throughout that hunting season the average number of ORV's within the 582,000 acres of BCNP during weekends was only 120 vehicles and many many less on weekdays. It does not seem sensible that use levels so low would warrant such an expensive volunteer program

Suggestions:

Assume ORV visitors are law abiding until proven otherwise.

FACA committee should recommend postponing implementation of this program until on the ground conditions demonstrate the need for it.

Failing To Do That -

FACA committee should recommend that NPS put in place a volunteer screening protocol to eliminate the possibility of anti-ORV advocates from having any chance becoming volunteers. That would include anyone with a history of being a member of a group litigating against NPS in BCNP over ORV related issues. These groups are funded to a level that would allow them to pay someone to volunteer here so as to further their destruction of cultural activities (ORV use) at BCNP.

FACA committee should recommend that in the event unauthorized trails are used by ORV's that prior to closing such a trail to punish general public users that NPS develop a failsafe

method to determine if said unauthorized use was by Native Americans over which NPS has no jurisdiction or the general public.

FACA committee should recommend that prior to allowing volunteers in the field NPS deliver to them **and meeting attendees** at a regularly scheduled FACA meeting a detailed presentation with specificity as to how NPS will screen volunteer candidates, educate volunteers on how to conduct themselves with extreme sensitivity regarding the Gladesmen cultural community members they more than likely will be coming into contact with as well as the other mechanics of the program such as type vehicles (ATV, UTV, Buggy etc.), volunteer team protocol, back country training etc.

FACA committee should recommend a sunset date for this program or at a minimum an annual review to determine if it is worth continuing.

If this volunteer program cannot be postponed as suggested until on the ground conditions demonstrate the need for it everyone (NPS & FACA members) supporting immediate institution of it should be aware that if it is not an extremely culturally sensitive program that **you** are directly and entirely responsible for the results – the good – the bad or - the ugly. I could not help the length of these comments as I consider this a subject of major importance that can have a major impact on the success of the ORV plan implementation.

Thanks For Your Attention,

Frank F. Denninger – Gladesman